

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CARLOS CELLIS-ZAPATA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil Action No. 09-4421 (KSH)

ORDER

Petitioner Carlos Cellis-Zapata (“Zapata”) has filed a motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255, attacking a sentence of 150 months imprisonment imposed by Judge John C. Lifland, then a district judge of this district, in *United States v. Cellis-Zapata*, No. 04-cr-0235, ECF No. 68 (D.N.J. entered Jan. 9, 2007), for attempt and conspiracy to import a controlled substance. Although the docket still lists Zapata’s address as being the Federal Correctional Institute in Fort Dix, New Jersey, the Federal Bureau of Prisons’ inmate database indicates that Zapata had been released from custody on August 10, 2015. *See* <http://www.bop.gov/inmateloc/>; ECF No. 1 at 1 (showing Zapata’s BOP registration number as 26273050).

Local Civil Rule 10.1 states that “[c]ounsel and/or unrepresented parties must advise the Court of any change in their or their client’s address within seven days of being apprised of such change by filing a notice of said change with the Clerk.” L.Civ.R. 10.1. “Failure to file a notice of address change may result in the imposition of sanctions by this Court.” *Id.* Failure to comply with Rule 10.1 generally results in the dismissal of the action, which the Third Circuit has upheld as an appropriate exercise of this Court’s discretion. *See McLaren v. N.J. Dep’t of Educ.*, 462 F.

App'x 148, 149 (3d Cir. 2012). Zapata changed his address some six months ago, demonstrating to the Court's satisfaction that he has failed to comply with Rule 10.1.

IT IS therefore on this 17th day of February, 2016,

ORDERED that with thirty (30) days from the date of entry of this Order, Petitioner shall update the Court with his current address, as an indication that he still intends to prosecute this case; failure to submit such update will result in the dismissal of the action; and it is further

ORDERED that that the Clerk shall serve this Order upon Petitioner by regular mail.

s/Katharine S. Hayden
Katharine S. Hayden, U.S.D.J.